

1. What is a Psychiatric Advance Directive (PAD)?

A PAD is a legal document that you create while competent to help mental health professionals treat you when you are unable to make your own medical decisions, such as during a psychiatric crisis or emergency. To make a valid PAD In Arkansas, you must name a person to voice your emergency medical decisions for you (the Agent). You can also leave instructions for future mental health treatment for your Agent and for the healthcare providers that might treat you in a PAD. These instructions are called Advanced Directives.

2. Why should I create a PAD?

- A PAD makes it possible for you to be treated according to your wishes.
- A PAD can open up and improve communication between you and your treatment provider.
- A PAD may prevent a crisis by making you more aware of what treatments work best for you.
- They provide mental health professionals in an emergency or crisis setting with a brief overview of your important medical history.

3. What does a PAD allow me to do?

A PAD generally permits you to plan for, consent to, or refuse future treatment, such as:

- hospital admission
- administration of medication
- electroconvulsive treatment (ECT)

A PAD permits you to make these decisions in advance, anticipating that you may experience crisis at some future time when you will not be able to make decisions or communicate your wishes about treatment.

4. When am I considered "incompetent" or "incapable"?

Arkansas' statute doesn't provide a definition or a method for determining capacity, but generally, incapacity means that, at a particular time, you lack sufficient understanding or ability to make and communicate mental health treatment decisions. Usually, incapacity is determined by a physician or eligible psychologist and, in some situations, by a judge.

5. What other information can I include in my PAD?

Your PAD *must* include the following information:

- An agent named to make your mental healthcare decisions.
- Principal's (your) signature.
- Signatures of 2 witnesses who are 18 yrs or older.

Your PAD may include any information you consider necessary to the effective treatment of your mental illness. The following lists examples of additional information you can include in your PAD:

- A person to contact in case of a mental health crisis
- Possible causes of your mental health crisis
- Ways to help you avoid hospitalization
- How you generally react to hospitalization
- Other relevant instructions

6. How do I create a PAD?

You may fill in the blanks on the forms provided or create your own PAD by:

- Naming a person as your agent.
- Including instructions to your agent for your mental health treatment.
- Signing the document and having two witnesses sign it as well.

7. Once I create it, what do I do with my PAD?

You should give a copy of it to your mental health care provider who will make it a part of your medical record. You should also give copies to your agent and keep an easily accessible copy for yourself. You should carry an index card (or the PAD business card) with information on how to contact your agent and get a copy of your PAD in case of emergency.

8. Once I create it, can I change my mind about what's in my PAD or end it?

Arkansas' law doesn't address this question, but generally, the answer is yes, you may change or end your PAD at any time you are considered "capable."

9. Are there situations where my PAD might not be followed?

Yes. Your PAD would not be followed:

- If it conflicts with "generally accepted community practice standards."
- If the treatments requested are not feasible or available.
- If it conflicts with emergency treatment.
- If it conflicts with applicable law.

10. Will my PAD be followed if I'm involuntarily committed to a facility?

Involuntary commitment to a treatment facility takes priority over what your PAD says about hospitalization. However, a PAD would allow doctors to consider your preferences regarding medication and other aspects of treatment while hospitalized.

11. How can I ensure my doctor gets my PAD?

Tell your outpatient doctor or your case manager about your PAD so that they are aware of it. You should keep copies of your PAD, or an index (or the PAD business cards) on you at all times.

12. Before following my PAD, would my mental health care providers need a court to determine I am not competent to make a certain decision?

No. The statute does not formulate any procedure that must be followed before your agent's authority goes into effect, but in practice, it would usually begin when your mental health care providers believe that you are unable to make decisions for yourself.

13. How long does my PAD remain valid?

The statute does not say how long the document nominating your agent remains valid. It is likely to remain valid as long as you do not revoke it by making a new document or by indicating that you wish it to be cancelled. If you appoint your spouse as your agent, he or she might not be regarded as a valid agent if you became divorced or legally separated after you wrote the document. In that situation, you should amend your document to clarify who should be your agent.